

ENTERED

November 25, 2020

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION

MARIA J. VERGARA,

Plaintiff,

VS.

UNITED AIRLINES, INC., &
SKYWEST AIRLINES, INC.

Defendants.

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CIVIL ACTION NO. 1:20-CV-138

ORDER ADOPTING REPORT AND RECOMMENDATION

In September of this year, Defendants United Airlines, Inc. and SkyWest Airlines, Inc. removed this case from a Texas state court after non-diverse Defendant City of Harlingen asserted its Plea to the Jurisdiction and was dismissed. (Notice, Doc. 1) Plaintiff Maria J. Vergara filed a motion requesting remand, sanctions for unnecessary delay, costs and attorneys' fees, and a stay while the motion was pending. (Motion, Doc. 3) Her Motion to Remand argues that the removal was not timely, or alternatively, that the dismissal of the non-diverse defendant from this case by the state court was an involuntary act preventing removal under the voluntary-involuntary rule. (*Id.* at 1–2) Defendants respond that they timely removed and that Vergara's agreement to the order dismissing the City of Harlingen was a voluntary act, or alternatively, that the voluntary-involuntary rule was inapplicable because joinder was improper. (Response, Doc. 8)

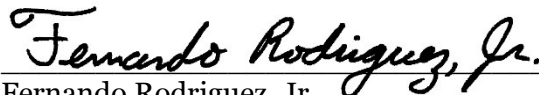
Earlier this month, the United States Magistrate Judge issued a Report and Recommendation (Doc. 9) recommending that Vergara's Motion to Dismiss be denied and that the motion to stay the case be found moot. No party filed objections.

As a result, the Court **ADOPTS** the Report and Recommendation (Doc. 9). It is:

ORDERED that Plaintiff Maria J. Vergara's Motion for Remand (Doc. 3) is **DENIED**; and

ORDERED that the request for a stay is **DENIED** as moot.

SIGNED this 25th day of November, 2020.



Fernando Rodriguez, Jr.
United States District Judge